

United States v. Mykai Davis
14 CR 768-05 (VB)

USDC SDNY
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What is missing from the attached letter is any reference to defense counsel's discussions with his client and specifically whether his client consents to the request that the re-sentencing be further adjourned. Counsel was appointed in this case on October 30, 2019, and the re-sentencing was scheduled for January 10, 2020. At counsel's request, the re-sentencing has already been adjourned three times for essentially the same reasons set forth in the attached letter. Moreover, as the Court has previously noted (Doc. #442), defendant has repeatedly complained that counsel is not paying sufficient attention to this case.

Accordingly, the re-sentencing will not go forward as scheduled on June 5, 2020, at 11:00 a.m. However, the Court will conduct a conference at that time, by CourtCall. At the conference, the Court will decide, after hearing from defendant and all counsel, whether defense counsel should be relieved and another attorney appointed, and for how long the re-sentencing should further be adjourned.

Defense counsel is ORDERED to mail a copy of this memorandum endorsement (and attached letter) to his client and file proof of same on the ECF docket by May 29, 2020. Defense counsel is also ORDERED to speak to his client by telephone at the earliest possible moment, consistent with the existing protocol for same, and provide a written update to the Court immediately thereafter as to (i) defendant's position with respect to whether new counsel should be appointed, and (ii) whether defendant consents to appearing by video or teleconference at the June 5, 2020, conference.

Dated: May 28, 2020
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge

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May 28, 2020

VIA ECF

Honorable Vincent L. Briccetti
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *United States v Mykai Davis*
14 Cr 768 (VB)
Request for Adjournment of Sentencing

Dear Judge Briccetti:

Reference is made to the scheduled sentencing in the above-entitled case currently on the Court's calendar for June 5, 2020. It is respectfully requested that the sentencing be adjourned until July 6, 2020 or any time thereafter convenient for the Court. Counsel conferred with chambers and the Assistant United States Attorney prior to making this request. After speaking with Assistant United States Attorney Scott Hartman, the government consents to this last request to adjourn the instant sentencing. The additional time is needed by counsel to complete his sentencing submission and for counsel to review the sentencing submission with Mr. Davis. Your consideration of this last request for an adjournment of the sentencing is greatly appreciated.

Respectfully submitted,

/s/ Guy Oksenhendler

Guy Oksenhendler